

# Notice of Allowability

Application No.

09/819,163

Applicant(s)

OVADIA, SHLOMO

Examiner

KIEU-OANH BUI

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2623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 06/11/2007.
2. ☒ The allowed claim(s) is/are 1,2,4,7,8,11,12,14,15,17-20,22 and 24-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



KIEU-OANH BUI  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/17/2007 has been entered.

### ***Remark***

2. Claims 3, 5-6, 9-10, 13, 16, 21, 23, and 27-29 have been previously cancelled. Claims 1-2, 4, 7-8, 11-12, 14-15, 17-20, 22, and 24-26 are pending for reconsideration.

### ***Allowable Subject Matter***

3. Claims 1-2, 4, 7-8, 11-12, 14-15, 17-20, 22, and 24-26 have been allowed.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The closest prior arts of record issued to Roeck and Vogel either alone or in a combination fails to teach or suggest the present invention for a computing system comprising: a storage medium including a plurality of executable instructions; and a control unit, coupled to the storage medium, to execute at least a subset of the plurality of executable instructions to

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implement a data channel detection agent, wherein the data channel detection agent performs a search for data channels in several multimedia channels in a cable network by: eliminating one or more channels associated with at least one of analog media content and non-digital signal sources from the search for the data channels; tuning a receiver of a broadband cable signal associated with a quadrature amplitude modulation (QAM) technique to a selected channel within the broadband cable signal; **temporarily activating adaptive equalizer logic in a QAM demodulator from operation using the QAM technique to demodulate the selected channel according to a quadrature phase shift keying (QPSK) modulation technique** to position a slicer in the QAM demodulator to an appropriate quadrant in an in- phase/quadrature (I/Q) constellation; sweeping a carrier frequency of the receiver over a carrier loop bandwidth for the receiver to attempt to obtain a channel lock on the selected channel while the receiver is activated in order to demodulate the Selected channel according to the QPSK modulation technique as claimed in claim 11 and with its method claim 1 and a machine accessible storage medium claim 19. Roeck disclose a processor that determines whether a potential channel contains a signal modulated in a particular modulation scheme, such as QPSK, and if not modulated using the QPSK scheme, determining whether *the* signal in the potential channel is modulated according to another particular modulation scheme, such as QAM64 or QAM256. The examiner agrees with the applicants that determining whether a channel is modulated using QPSK or QAM modulation schemes is not equivalent to switching from *operation using a QAM technique to demodulate the selected channel according to a QPSK modulation technique*. Both Roeck and Vogel each fail to disclose or suggest temporarily activating adaptive equalizer logic

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in a QAM demodulator from operation **using the QAM technique to demodulate the selected channel according to a quadrature phase shift keying (QPSK) modulation technique.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending from the end of the signature.

Kieu-Oanh Bui  
Primary Examiner  
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KB  
Oct. 24, 2007